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Page 1

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND NORTHERN DIVISION

EQUAL EMPLOYMENT : CIVIL NO.

OPPORTUNITY COMMISSION:

AND

KATHY C. KOCH

INTERVENOR/PLAINTIFF:

L.A. WEIGHT LOSS

CENTERS, INC.

DEFENDANT : WDQ-02-CV-648

MARCH 31, 2005

VOLUME II

ORAL DEPOSITION OF KAREN SIEGEL,

TAKEN PURSUANT TO NOTICE, WAS HELD AT THE

LAW OFFICES OF THE EQUAL EMPLOYMENT

OPPORTUNITY COMMISSION, THE BOURSE

BUILDING, 4TH FLOOR, PHILADELPHIA, PA,

BEGINNING AT 1:00 P.M., ON THE ABOVE

DATE, BEFORE NANCY D. RONAYNE, A

PROFESSIONAL COURT REPORTER AND NOTARY

PUBLIC IN THE COMMONWEALTH OF

PENNSYLVANIA.

ESQUIRE DEPOSITION SERVICES 15TH FLOOR 1880 JOHN F. KENNEDY BOULEVARD PHILADELPHIA, PENNSYLVANIA 19103

(215) 988-9191

Esquire Deposition Services

Page 42 Page 44 SPECIFICALLY? 1 WANT YOU TO CORRECT ME IF THIS IS NOT 2 A. I DON'T REMEMBER, IT MAY CONSISTENT WITH YOUR RECOLLECTION TODAY. 3 HAVE. THAT YOU INSTITUTED A POLICY OF RECORD 4 Q. DO YOU RECALL RECEIVING KEEPING SPECIFICALLY REGARDING 5 REQUESTS FOR INFORMATION REGARDING HIRING APPLICATIONS AND RESUMES AT LA WEIGHT PROCEDURES AND POLICIES FROM JUDY NAVARRO LOSS IN 1999; DOES THAT SOUND CORRECT? б 7 AT ANY TIME? 7 A. WE HAD -- WE HAVE, WE 8 A. I BELIEVE SO, YES. CURRENTLY HAVE AND CONTINUE TO HAVE, THE Q. DO YOU RECALL WHAT YEAR YOU 9 POLICY ON RECORD RETENTION, IT WAS 10 RECEIVED THOSE REQUESTS? 10 INITIALLY FORMULATED IN 1998, IN OCTOBER/ A. I DON'T. 11 11 NOVEMBER OF '98, SO SAY '99. Q. DURING THE INVESTIGATION OF 12 12 Q. WAS IT PERHAPS THAT THE 13 AND I DON'T WANT TO KNOW YOUR 13 POLICY WAS DISSEMINATED IN 1999? 14 COMMUNICATION WITH COUNSEL BUT DURING THE A. LIKE THE BEGINNING OF -- DID 14 15 INVESTIGATION OF THE KOCH CHARGE, LA 15 YOU GIVE A MONTH? 16 WEIGHT LOSS WAS REPRESENTED BY WOLF Q. NO, I DID NOT GIVE A MONTH. 16 17 BLOCK, CORRECT? 17 A. OKAY, SO IT WOULD BE FAIR TO 18 A. YES. SAY THAT, I WOULD SAY LATE 1998 EARLY 19 Q. AND THAT WAS SINCE AT AROUND 1999, I THINK BY JANUARY OF 1999 THE 20 THE TIME, IF NOT THE DAY THEN SHORTLY 20 POLICY HAD IN FACT BEEN DISSEMINATED. 21 THEREAFTER THAT YOU RECEIVED THE CHARGE 21 Q. IT'S MY UNDERSTANDING THAT 22 OF DISCRIMINATION REGARDING MS. KOCH, 22 THERE WAS, AGAIN, FROM YOUR 30(B)(6) 23 CORRECT? TESTIMONY THAT THERE WAS NO WRITTEN 24 A. YOU LOST ME, I'M SORRY. 24 POLICY REGARDING RECORD KEEPING Page 43 Page 45 Q. WHEN DID LA WEIGHT LOSS DISSEMINATED TO THE FIELD UNTIL 2000; BEGIN USING WOLF BLOCK AS THEIR LEGAL DOES THAT SOUND CORRECT? 3 REPRESENTATIVE REGARDING THE KOCH CHARGE? 3 A. THAT'S NOT ACCURATE. 4 A. OH, IN WHEN WE RECEIVED THE 4 Q. THAT IS NOT ACCURATE? - WE HAD GOTTEN A LETTER, AN ATTORNEY'S 5 A. NO. LETTER, FROM KOCH'S LAWYER, I DON'T KNOW Q. SO WHEN WAS IT DISSEMINATED 6 IF THAT WAS PRIOR TO THE EEOC CHARGE OR 7 7 TO THE FIELD? 8 AFTER THE EEOC CHARGE. В A. RIGHT AFTER IT WAS PUT 9 Q. I'LL REPRESENT TO YOU IT WAS TOGETHER IN '98, SO SHORTLY THEREAFTER, 9 10 PRIOR TO THE EEOC CHARGE. SO IN 1999 AS PART OF THE RECRUITMENT AND 11 A. SO IT WAS AT THAT POINT IN ENGAGEMENT OF PERSONNEL HANDBOOK OR 12 TIME THAT WE WOULD HAVE HAD WOLF BLOCK. GUIDELINES OR WHATEVER YOU WANT TO REFER 13 Q. SO EVEN PRIOR TO RECEIVING 13 TO IT AS. 14 NOTICE OF THE KOCH CHARGE LA WEIGHT LOSS 14 Q. DOES LA WEIGHT LOSS KEEP ANY WAS USING WOLF BLOCK AS THEIR COUNSEL IN 15 LOGS OR ANY RECORDS WHATSOEVER OF RELATION TO THE KOCH EMPLOYMENT ISSUE? APPLICATIONS AND RESUMES THAT HAVE BEEN 17 A. YES. 17 RECEIVED FROM THE FIELD, THE RECRUITMENT 18 (A DISCUSSION OFF THE RECORD 18 FILES? 19 OCCURRED.) A. GIVE ME A TIME FRAME. 19 20 BY MR. PHILLIPS: 20 Q. CURRENTLY? 21 Q. NOW, MY UNDERSTANDING OF 21 YES. A. 22 YOUR PREVIOUS TESTIMONY IN THE 30(B)(6) 22 Q. THEY DO, OKAY. HOW LONG HAS 23 DEPOSITION WHERE YOU WERE THE DESIGNEE 23 THAT PRACTICE BEEN IN PLACE? 24 FOR LA WEIGHT LOSS, IS AS FOLLOWS, AND I 24 A. THERE'S DIFFERENT -- WELL,

12 (Pages 42 to 45)

1 KNOWLEDGE OF SUCH A TRACKING SYSTEM? 2 A. NO. I KNOW THAT FILES CAME 3 BACK, I KNOW THAT RESUMES CAME BACK, I 4 KNOW THAT APPLICATIONS CAME BACK, I 5 Q. SO IS IT YOUR ESTIMONY THAT 6 IN THIS PERIOD PRIOR TO ESG, THE PERIOD 7 WHERE THE COMPANY WAS DOING A RECRUITING 8 FOR COUNSELORS AND ESG WAS DOING 8 RECRUITING FOR THE OTHER POSITIONS — 10 A. OKAY. 11 Q. — THAT THE PERIOD PRIOR TO 12 THE START OF THAT, THAT THE COMPANY KEPT 13 THE RESUMES OF FVERY SINGLE CANDIDATE IN 14 HR, THOSE WERE KEPT 14 HR, THOSE WERE KEPT 15 A. WE RETAINED THOSE, YES. 16 Q. SO THERE WAS A SECRUITION THE 15 HE FASH OF THAT, THAT THE COMPANY KEPT 17 THE AND THEN THERE WAS A SEPARATE HR 18 FILE AND THEN THERE WAS A SEPARATE HR 19 DOCUMENTS? 20 A. SOMETIMES THEY — WELL, THE 21 RECRUITMENT FILE CONTAINED THE SAME 22 APPLICATIONS AND THE INTERVIEW NOTES AS 32 WELL AS ANY RESUMES THAT THE TIELD WOULD 24 SEND BACK TO US. THEY NEEDED TO SEND 26 PAGE STAND THEN THE RESUMES AND THE NEEDED TO SEND 27 PAGE STAND THEN THE RESUMES AND THE NOTES. 28 CAAIN, WE HAD COPIES, WE HAD PRINTED OUT 29 AND RETAINED THE SAY VOU STATED, 1 MEAN, THAT WAS THE RAINING, THAT WAS THE FILE OF THE PERIOD TO SEND 20 COMPANYS PROCEDURE TO KERP ALL OF THE— 21 PREST OF ALL, LET ME BACK IT UP. 21 HE RECUITMENT FILES AS YOU STATED, 1 MEAN, THAT WAS THE RAINING, THAT WAS THE FILE OF THE PERIOD TO SEND TO DO, SO YES, YOU'RE POSSIBLY GOING TO FINE RECRUITMENT THE SAY ON STATED, 1 MEAN, THAT WAS THE RAINING, THAT WAS THE HIP OF THE PERIOD TO UNDERSORY OF ALL THE RESUMES AND THE NOTE OF THE PERIOD COMPANYS PROCEDURE TO KERP ALL OF THE— 21 RECRUITMENT FILES AS YOU STATED, 1 MEAN, THAT WAS THE TRAINING, THAT WAS THE FILE OF THE PERIOD TO SEND TO DO, SO YES, YOU'RE POSSIBLY GOING TO FINE RECRUITMENT THE SAY OF THE PERIOD COMPANY PROCEDURE TO FER PAIL OF THE— 21 RECRUITMENT FILES AS YOU STATED, 1 MEAN, THAT WAS THE FROME SAY THE PERIOD COMPANY PROCEDURE TO KERP ALL OF THE— 21 RECRUITMENT FILES AS YOU STATED, 1 MEAN, THAT WAS THE FROME SAY THE PERIOD COMPANY PROCEDURE TO KERP ALL OF T		Page 50		Page 52
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23 OUT TO THE FIELD. 23 SENDING EVERYTHING TO THEM WITHOUT DOING	22 34 45 67 89 10 11 12 13 14 15 16 17 18 19 20	BACK THEIR APPLICATIONS AND THE NOTES. AGAIN, WE HAD COPIES, WE HAD PRINTED OUT AND RETAINED COPIES OF ALL THE RESUMES, SO THEY TYPICALLY WOULD COME BACK WITH THE RECRUITMENT FILES AS YOU STATED, I MEAN, THAT WAS THE TRAINING, THAT WAS THE PROCEDURE, THAT'S WHAT THEY WERE SUPPOSED TO DO. SO YES, YOU'RE POSSIBLY GOING TO FIND DUPLICATES ON THAT. Q. HOW LONG WAS IT THE COMPANY'S PROCEDURE TO KEEP ALL OF THE — FIRST OF ALL, LET ME BACK IT UP. HOW LONG OF A TIME PERIOD WAS IT WHERE THIS SORT OF DUAL RECORD KEEPING WAS TAKING PLACE WHERE YOU HAD HR KEEPING COPIES OF ALL THE RESUMES AND THEN YOU HAD THE FIELD COMPILING RECRUITMENT FILES THAT WERE ROUTED TO HR WHEN THEY WERE DONE WITH THEM, HOW LONG OF A TIME FRAME WAS THAT TAKING PLACE?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	RECRUITERS IT WOULDN'T HAVE HAPPENED, AND THEN JUST DURING THE TIME FRAME OF THE COUNSELOR PIECE. Q. YOU'RE SAYING THIS IS 1999, EARLY – LATE '98 OR EARLY '99 IS WHEN THIS STARTED? A. WELL, THAT'S WHEN THE POLICY WAS INSTITUTED AS FAR AS WHEN WE WERE – WE HIRED FIELD RECRUITERS, SOME WERE HIRED IN 2000, WE MIGHT HAVE HAD ONE OR TWO IN 2000 AND THEN 2001 WERE FIELD RECRUITERS THEN WE WENT INHOUSE AND THEN WE WENT TO UTILIZING ESG. SO YOU'RE LIKE THE TIME FRAME WHERE YOU WOULD HAVE DUPLICATIONS WAS THAT 2003 TIME FRAME OF LIKE MAY, WHENEVER WE STARTED WITH THEM, I DON'T REMEMBER EXACTLY, '03 TO THE PRESENT, SO LIKE JULY OF '04. AND THEN THE ONLY OTHER TIME WOULD HAVE BEEN THE – I'M TRYING TO THINK WHAT WE WOULD HAVE
Q. AND WHEN WAS THAT?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BACK THEIR APPLICATIONS AND THE NOTES. AGAIN, WE HAD COPIES, WE HAD PRINTED OUT AND RETAINED COPIES OF ALL THE RESUMES, SO THEY TYPICALLY WOULD COME BACK WITH THE RECRUITMENT FILES AS YOU STATED, I MEAN, THAT WAS THE TRAINING, THAT WAS THE PROCEDURE, THAT'S WHAT THEY WERE SUPPOSED TO DO. SO YES, YOU'RE POSSIBLY GOING TO FIND DUPLICATES ON THAT. Q. HOW LONG WAS IT THE COMPANY'S PROCEDURE TO KEEP ALL OF THE — FIRST OF ALL, LET ME BACK IT UP. HOW LONG OF A TIME PERIOD WAS IT WHERE THIS SORT OF DUAL RECORD KEEPING WAS TAKING PLACE WHERE YOU HAD HR KEEPING COPIES OF ALL THE RESUMES AND THEN YOU HAD THE FIELD COMPILING RECRUITMENT FILES THAT WERE ROUTED TO HR WHEN THEY WERE DONE WITH THEM, HOW LONG OF A TIME FRAME WAS THAT TAKING PLACE? A. IT WOULD HAVE BEEN WHEN WE	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	RECRUITERS IT WOULDN'T HAVE HAPPENED, AND THEN JUST DURING THE TIME FRAME OF THE COUNSELOR PIECE. Q. YOU'RE SAYING THIS IS 1999, EARLY – LATE '98 OR EARLY '99 IS WHEN THIS STARTED? A. WELL, THAT'S WHEN THE POLICY WAS INSTITUTED AS FAR AS WHEN WE WERE – WE HIRED FIELD RECRUITERS, SOME WERE HIRED IN 2000, WE MIGHT HAVE HAD ONE OR TWO IN 2000 AND THEN 2001 WERE FIELD RECRUITERS THEN WE WENT INHOUSE AND THEN WE WENT TO UTILIZING ESG. SO YOU'RE LIKE THE TIME FRAME WHERE YOU WOULD HAVE DUPLICATIONS WAS THAT 2003 TIME FRAME OF LIKE MAY, WHENEVER WE STARTED WITH THEM, I DON'T REMEMBER EXACTLY, '03 TO THE PRESENT, SO LIKE JULY OF '04. AND THEN THE ONLY OTHER TIME WOULD HAVE BEEN THE — I'M TRYING TO THINK WHAT WE WOULD HAVE SENDING STUFF OUT, I CAN'T THINK OF ANY
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Page 54 Page 56 Q. BUT EVEN IN A SITUATION SYSTEM IN PLACE AT ANY TIME AT LA WEIGHT WHERE THE COMPANY WAS DOING LOSS FOR CHECKING THE FILES TO DETERMINE PRE-SCREENING, WOULD THE COMPANY RETAIN A 3 WHETHER THEY'RE COMPLETE WHEN A NEW COPY OF WHAT WAS SENT OUT TO THE FIELD? 4 EMPLOYEE HAS BEEN FIRST HIRED? 5 5 YES. 6 Q. WHO WAS IN CHARGE OF KEEPING 6 O. WHEN WAS THAT SYSTEM IN 7 THOSE RECORDS? 7 PLACE? A. THE HR DEPARTMENT. 8 8 A. IT'S ONGOING. IT'S - WE'VE 9 Q. IS THERE ANYONE IN DONE RECENTLY, WHEN I SAY RECENTLY, IN 10 PARTICULAR WHO WAS DESIGNATED AS THE THE LAST YEAR AND A HALF TO TWO YEARS WE 10 CUSTODIAN FOR THOSE RECORDS? DO AUDITS OF THE EMPLOYEE FILES TO MAKE 12 A. MYSELF, NICKY FRYER. SURE THAT THEY ARE COMPLETE. AND PRIOR 13 Q. WHERE WERE THEY KEPT? TO THAT IT'S ONGOING RESPONSIBILITY OF 14 A. WE HAD THEM IN THE LATERAL EACH INDIVIDUAL PAYROLL COORDINATOR TO 15 FILES OUTSIDE OF MY OFFICE, OUTSIDE OF ENSURE THAT THE FILE IS COMPLETE. 16 HER OFFICE. 16 Q. ACCORDING TO L. A. WEIGHT 17 Q. THAT'S A LOT OF FILES. LOSS POLICY A COMPLETE PERSONNEL FILE A. YOU'RE DARN STRAIGHT, YES. 18 WOULD INCLUDE THE APPLICATION AND RESUME 19 AND WE HAD WHATEVER WE PRODUCED TO YOU OF THE PERSON WHO WAS HIRED; IS THAT 20 GUYS, 45 BOXES, 50 BOXES OF RESUMES, 20 CORRECT? 21 THAT'S A LOT. I PROBABLY HAVE I COULDN'T 21 A. IT WOULDN'T NECESSARILY HAVE 22 TELL YOU HOW MANY LATERAL FILES I HAVE TO INCLUDE, WHAT IT -- SO I WOULD SAY NO 23 BUT AT ANY RATE, FORTUNATELY WE DIDN'T 23 TO THAT. 24 HAVE TO ULTIMATELY BOX THEM AND SEND THEM 24 WELL, ISN'T THERE A TO THE WAREHOUSE, WE HAD TO BOX THEM AND DESCRIPTION IN THE RECRUITING AND HIRING SEND THEM TO YOU. BUT WE NOW HAVE NEW MANUALS AT LA WEIGHT LOSS THAT SPECIFIES ONES SO YOU CAN HAVE THOSE AS WELL. THE CONTENT OF AN EMPLOYEE FILE WHEN ITS 4 Q. SO TO YOUR KNOWLEDGE IS THIS FIRST PUT TOGETHER WHEN AN EMPLOYEE IS A FAIR STATEMENT, TO YOUR KNOWLEDGE FIRST HIRED; ISN'T THERE SUCH A LIST? 5 YOU'RE NOT SURE WHETHER THERE WAS ANY б A. YES. TRACKING OR LOGGING SYSTEM IN PLACE PRIOR 7 Q. AND DO YOU RECALL THAT THAT TO ESG FOR DETERMINING IF WHAT WAS COMING 8 LIST INCLUDES THE APPLICATION OR RESUME? 9 BACK FROM THE FIELD IN THE RECRUITMENT A. YES - WELL, I'M TRYING TO 10 FILES? THINK. SPECIFICALLY, I MEAN IT'S OUR 11 A. I CANNOT SAY SPECIFICALLY INTENTION THAT IT'S INCLUDED, I DON'T 12 ONE WAY OR ANOTHER, EXACTLY. KNOW IF THAT -- I'M VISUALIZING THE FORM 13 Q. I GUESS MS. FRYER MIGHT KNOW 13 IN MY HEAD. 14 THAT? O. IS THAT THE COMPANY POLICY, 14 15 A. NICKY MAY KNOW THAT, YES. THAT THE APPLICATION AND RESUME GO IN THE 16 Q. IS THERE ANYBODY ELSE THAT EMPLOYEE'S FILE? 17 MIGHT KNOW THAT? 17 A. WELL THE POLICY IS TWOFOLD, 18 A. NO. 18 ONE, THAT THE HIRING SUPERVISOR MAINTAIN 19 Q. NOW, WE TALKED I THINK 19 A RECRUITMENT FILE THAT HAS ALL THE 20 PREVIOUSLY ABOUT PERSONNEL FILES OR 20 APPLICATIONS, INTERVIEW NOTES, RESUMES EMPLOYEE FILES AND WHEN I USE THOSE TWO 21 FOR ANY PARTICULAR JOB THAT THEY'RE 22 TERMS I'M USING THEM INTERCHANGEABLY, 22 ATTEMPTING TO FILL, THEY ARE SUPPOSED TO 23 EMPLOYEE AND PERSONNEL FILES. 23 SEND TO US SEPARATELY AND WE DO RECEIVE 24 HAS THERE EVER BEEN ANY 24 THEM, ANYBODY THAT THEY'VE HIRED. BUT

Page 58 Page 60 SOMETIMES THOSE APPLICATIONS AND RESUMES BEEN THERE. 2 GET SENT ALONG WITH ALL THE OTHER 2 Q. AND BY MAKING SURE THE APPLICATIONS AND RESUMES OF PEOPLE THAT EMPLOYEE FILE IS COMPLETE THAT INCLUDED THEY DIDN'T HIRE SO THEY'RE INCLUDED. I THE RESUME OR THE APPLICATION? 5 MEAN THEY'RE SENT TO CORPORATE BUT THEY 5 A. TO BE HONEST I DON'T KNOW DON'T NECESSARILY ALWAYS GET INTO AN THAT THE PAYROLL COORDINATORS EMPLOYMENT FILE. SPECIFICALLY EACH INDIVIDUAL ONE IS 8 Q. HAS THERE EVER BEEN ANY 8 THINKING ALONG THOSE LINES, NO. SYSTEM IN PLACE TO SPECIFICALLY TRACK 9 Q. WERE THEY EVER SPECIFICALLY WHETHER THE APPLICATION AND RESUME 10 INSTRUCTED TO MAKE SURE THAT THAT, THOSE 11 MATERIALS REGARDING A NEW HIRE HAVE BEEN 11 MATERIALS WERE IN THE FILE; DO YOU KNOW? 12 RETURNED TO CORPORATE? 12 A. I DON'T KNOW. 13 A. WE DO TRY TO TRACK THAT. 13 Q. WHO IS THE PAYROLL Q. HOW LONG -- HOW DO YOU TRY 14 14 COORDINATOR CURRENTLY? 15 TO TRACK THAT? 15 A. THE PAYROLL MANAGER. A. THE INDIVIDUAL IN PAYROLL, 16 Q. PERSON WHO CONDUCTS THE 17 IT'S A PAYROLL COORDINATOR WHO DOES THE 17 **AUDITS?** 18 EMPLOYEE FILE AUDIT, IF YOU WILL, WILL 18 A. OH, I'M SORRY, JAMIE 19 TRY AND TRACK DOWN THE RESUME AND/OR SCHOELL, S-C-H-O-E-L-L. 19 20 APPLICATION WHILE MAKING SURE EVERYTHING 20 Q. IS THAT A FEMALE? 21 ELSE IS COMPLETE, THE W-2 FORM, THE 19, 21 A. YES. 22 THAT THAT'S BEEN FILLED OUT PROPERLY, THE 22 Q. HOW LONG HAS SHE BEEN IN 23 NEW PERSONNEL CONTACT INFORMATION SHEET. 23 THAT POSITION? 24 Q. HOW LONG HAS LA WEIGHT LOSS 24 A. PROBABLY ABOUT TWO YEARS. Page 59 Page 61 BEEN CONDUCTING THESE EMPLOYEE FILE Q. SO TO YOUR KNOWLEDGE SHE'S 2 **AUDITS?** 2 THE ONLY PERSON WHO'S CONDUCTED THESE 3 A. LIKE I SAID, PROBABLY THE 3 AUDITS? LAST YEAR AND A HALF, TWO YEARS. 4 A. THERE'S BEEN OTHER PEOPLE 5 Q. SO IT'S FAIR TO SAY THEN 5 THAT HAVE HELPED HER. THAT PRIOR TO A YEAR AND A HALF OR 6 SHE'S TAKEN THE LEAD ON TWO YEARS AGO THERE WAS NO SYSTEM IN 7 THIS? PLACE FOR MAKING SURE THAT THE PERSONNEL 8 A. YES. SO, I'M ACTUALLY GOING FILES WERE COMPLETE? TO CHANGE MY RESPONSE THERE, I MEAN, I'M 10 A. NO. NO, THE PERSON THAT'S 10 IN PAYROLL ALL THE TIME TALKING WITH 11 DOING THE AUDITING THAT'S A YEAR AND A 11 THOSE -- WITH THE INDIVIDUALS AND TALKING 12 HALF TO TWO YEARS, PRIOR TO THAT IT'S 12 WITH JAMIE ABOUT THE EMPLOYEE FILES AND 13 EACH INDIVIDUAL PAYROLL COORDINATOR WAS 13 ABOUT JUST IN REGARDS TO THIS CASE IN 14 RESPONSIBLE INDIVIDUALLY AS THEY SET UP A 14 TERMS OF GATHERING DOCUMENTS AND 15 NEW PERSONNEL FILE TO MAKE SURE THAT IT 15 APPLICATIONS AND THAT SORT OF THING, SO I 16 WAS COMPLETE, NOW THAT'S SOMEONE ELSE'S 16 WOULD SAY THAT I PROBABLY HAVE RESPONSIBILITY, THAT'S THE ONLY 17 17 COMMUNICATED TO THE PAYROLL DEPARTMENT 18 DIFFERENCE. 18 THAT THINGS LIKE APPLICATIONS AND RESUMES 19 Q. HOW LONG IN THIS PRIOR 19 SHOULD IN FACT BE IN THE FILE. AND IN 20 SYSTEM WHERE EACH INDIVIDUAL PAYROLL 20 LOOKING AT FILES IT'S THERE'S SOMETIMES 21 COORDINATOR'S JOB WAS TO MAKE SURE THAT 21 IT'S THERE, SOMETIMES IT'S NOT, SO. 22 THE PERSONNEL FILE WAS COMPLETE, HOW LONG 22 Q. NOW, I WILL REPRESENT TO YOU 23 WAS THAT SYSTEM IN PLACE? 23 THAT I HAVE LOOKED AT SOME OF THESE 24 THAT'S FOR AS LONG AS I'VE BOXES, PERSONNEL FILES, AS I'M SURE

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	Page 70		Page 72
1	ALL, ARE YOU AWARE OF LA WEIGHT LOSS EVER	1	BEEN FORMULATED IN I BELIEVE YOUR
2	HAVING POSSESSION OF APPLICATIONS OR	2	TESTIMONY WAS 1998 IT WAS FORMULATED,
3	RESUMES PERTAINING TO CANDIDATES FOR JOBS	3	CORRECT?
4	IN TENNESSEE?	4	A. THAT IS IN REGARDS TO
5	A. WE WOULD HAVE THEM DURING	5	Q. APPLICATIONS?
6	THE TIME FRAME THAT WE OPERATED THOSE	6	A. THAT'S RIGHT, EMPLOYMENT —
7	CENTERS AS CORPORATE CENTERS.	7	RECRUITMENT, EMPLOYEE FILE RETENTION FROM
8	Q. BUT I GUESS WHAT I'M ASKING	8	THE VERY BEGINNING, FROM I MEAN AS LONG
9	IS DO YOU HAVE RECOLLECTION OF EVER	9	AS I'VE BEEN WITH THE COMPANY.
10	SEEING SUCH DOCUMENTS?	10	Q. WHAT HAS BEEN THE POLICY
11	A. FOR SOME REASON NASHVILLE	11	SINCE YOU STARTED?
12	STICKS OUT IN MY HEAD, I FEEL LIKE I MAY	12	A. WE'VE KEPT EVERY – WE'VE
13	HAVE BUT I CAN'T BE CERTAIN.	13	KEPT EVERY EMPLOYMENT FILE.
14	Q. DID ANYONE EVER DISCUSS WITH	14	Q. THAT'S THE POLICY?
15 16	YOU SUCH RECORDS?	15	A YES.
17	A. NO.	16	Q. BUT WE DON'T KNOW WHETHER
18	Q. DO YOU KNOW WHERE THOSE RECORDS ARE NOW?	17	THAT'S TRUE OR NOT, YOU HAVE TO LOOK AT
19	A. I WOULD ASSUME THAT THEY ARE	18	THE PAYROLL RECORDS?
20	WITH THE REST OF THE COMPANY, I MEAN	19	A. I HAVE NO REASON TO BELIEVE
21	INCLUDING WITH, INCORPORATED WITH	20	1121121,01
22	EVERYTHING ELSE. I DON'T KNOW OF ANY	21	Q. WITH REGARD SO THERE IS
23	REASON WHY THEY WOULD HAVE BEEN EVER	23	NO DESTRUCTION DATE OR DISCARD DATE ON
	SEPARATED OUT, I'M NOT AWARE OF THAT.	24	PERSONNEL FILES? A. NO.
		24	A. NO.
	Page 71		Page 73
1	Q. BUT SITTING HERE TODAY DO	1	Q. APPLICATIONS OR RESUMES, YOU
2	YOU HAVE SPECIFIC RECOLLECTION THAT THE	2	MENTIONED A POLICY FORMULATED IN 1998,
3	COMPANY HAS POSSESSION OF SUCH RECORDS?	3	HAS THAT POLICY CHANGED SINCE 1998?
4	A. I COULDN'T SAY ONE WAY OR	4	A. IN TERMS OF REGULAR RECORD
5	ANOTHER.	5	RETENTION ON EMPLOYMENT YES AND NO, IT'S
6	Q. ARE YOU AWARE OF ANY	6	THREE YEARS BUT WITH THIS LAWSUIT IT'S,
7	APPLICATIONS OR RESUMES BEING DISCARDED	7	WE HAVEN'T DESTROYED ANY DOCUMENTS, I
8	AT ANY TIME?	8	MEAN IF IT'S FROM 1998 OR 2000 WE STILL
9	A. NO.	9	HAVE THEM.
10	Q. AT ANY TIME, AT ANY POINT IN	10	Q. YOU BELIEVE?
11	YOUR TENURE AT LA WEIGHT LOSS?	11	A. YES.
12	A. NO.	12	Q. THAT'S THE POLICY?
13	Q. DO YOU KNOW OF ANY	13	A. YES.
	APPLICATIONS OR RESUMES BEING DESTROYED	14	MR. LANDAU: WHEN IT'S A
	AT ANY TIME?	1.5	GOOD POINT TO TAKE A BREAK
16	A. NO.	16	MR. PHILLIPS: GIVE ME A
17	Q. SAME THING WITH THE	17	COUPLE OF MINUTES HERE.
	PERSONNEL FILES?	18	MR. LANDAU: OKAY.
19 20	A. NO.		BY MR. PHILLIPS:
20	Q. IS IT YOUR TESTIMONY THAT	20	Q. THE LAST TIME WE SPOKE IN A
	I'M TRYING TO GET A SENSE OF WHAT THE		DEPOSITION WE DISCUSSED THE ISSUE OF
	POLICY ON RECORD REPRING SPECIFICALLY		ELECTRONIC APPLICATIONS VIA INTERNET
	POLICY ON RECORD KEEPING SPECIFICALLY REGARDING EMPLOYEE FILES SINCE IT HAS	24	PROVIDERS, HOT JOBS, MONSTER.COM AND
& T	RECARDING ENTLY I DE PILES SINCE IT HAS	24	CAREERBUILDER.COM. SITTING HERE TODAY DO